

CHARGE: 402(a)(3)—contained decomposed eggs.

DISPOSITION: Following a plea of guilty by Robert Karan to count 1 of the information, the United States District Court for the Southern District of Florida on 12-11-59 fined Karan \$500, imposed a sentence of 6 months in jail, which was suspended, and placed him on probation for 5 years.

Pursuant to the requests of Harold Hulsey and Mack Jewell, the cases against such defendants were transferred to the Middle District of Tennessee. Thereafter, pleas of guilty were entered by Hulsey to count 1 and by Jewell to count 2 of the information. On 3-15-60, the United States District Court for the Middle District of Tennessee fined Hulsey \$250 and sentenced him to jail for 4 months. On the same day, the court imposed against Jewell a total fine of \$250 and a total sentence of 4 months in jail applicable to the instant case and to the case against Jewell reported in food notice of judgment No. 26619.

26619. Incubator reject eggs. (F.D.C. No. 42471. S. No. 15-098 P.)

INFORMATION FILED: 12-31-59, E. Dist. Tex., against West Texas By-Products, Inc., Center, Tex., Mack B. Jewell, manager of the corporation, and Henry S. Silberman, president of the corporation.

SHIPPED: 7-24-58, from Texas to Tennessee.

CHARGE: 402(a)(3)—contained decomposed eggs and incubator reject eggs.

DISPOSITION: Pursuant to the requests of the defendants, the case against Mack Jewell was transferred to the Middle District of Tennessee, and the cases against the other defendants were transferred to the Western District of Texas. Thereafter, the defendants entered pleas of guilty. On 1-11-60, the United States District Court for the Western District of Texas imposed a fine of \$100 against the corporation and Henry Silberman jointly. On 3-15-60, the United States District Court for the Middle District of Tennessee imposed against Mack Jewell a total fine of \$250 and a total sentence of 4 months in jail applicable to the instant case and to the case against Jewell reported in food notice of judgment No. 26618.

26620. Incubator reject eggs. (F.D.C. No. 42459. S. No. 15-098 P.)

INFORMATION FILED: 2-22-59, M. Dist. Tenn., against A & R Produce Co., a corporation, Nashville, Tenn., Albert H. Mott, president, and Charles Lane, an employee.

SHIPPED: 7-24-58, from Texas to Tennessee.

CHARGE: 402(a)(3)—contained decomposed eggs and incubator reject eggs.

PLEA: Nolo contendere.

DISPOSITION: 3-15-60. Corporation fined \$500; Mott fined \$250 and sentenced to jail for 4 months; and Lane placed on probation for 3 years.

FISH AND SHELLFISH

26621. Fresh dressed whitefish. (F.D.C. No. 42192. S. Nos. 14-654/5 P.)

QUANTITY: 10 60-lb. boxes and 9 60-lb. boxes at Chicago, Ill.

SHIPPED: 9-2-58, from Winnipeg, Canada, by Booth Fisheries Canadian Co., Ltd., and Keystone Fisheries, Ltd.

LABEL IN PART: (Tag) "Dsd. * * * Med. Whites Booth Fisheries Canadian Co., Ltd., Winnipeg, Man. Canada" and "Keystone Fisheries Ltd., Winnipeg, Manitoba * * * Dsd. Med. Whites," and (box) "South Indian Lake."

LIBELED: 9-15-58, N. Dist. Ill. ✓

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 10-17-58. Consent—claimed by Pick-Shapiro Fisheries, Inc., Chicago, Ill., and exported to original shippers in Canada.

26622. Frozen whitefish. (F.D.C. No. 44251. S. No. 85-619 P.)

QUANTITY: 5 boxes, 420 lbs. total, at New York, N. Y.

SHIPPED: 11-12-59, from Montreal, Canada.

LIBELED: 3-8-60, S. Dist. N. Y. ✓

CHARGE: 402(a)(3)—contained parasitic cysts and decomposed fish while held for sale.

DISPOSITION: 4-2-60. Default—destruction.

26623. Frozen whitefish fillets. (F.D.C. No. 44173. S. No. 85-607 P.)

QUANTITY: 63 ctns., 6,090 lbs. total, in slabs of about 50 fillets, at New York, N. Y.

SHIPPED: 2-19-59, from Montreal, Canada, by Straker-Cross Ltd.

LABEL IN PART: (Ctn.) "Product of Canada Wall Eye" and (tag on slabs) "The Famous Lake Food Brand Quick Frozen Walleyed Pike Fillets Canadian Fish Producers Limited Winnipeg Product of Canada."

RESULTS OF INVESTIGATION: Examination showed the article to be frozen whitefish fillets which were in part decomposed.

LIBELED: 1-13-60, S. Dist. N. Y. ✓

CHARGE: 402(a)(3)—contained decomposed fish fillets while held for sale; and 403(a)—when shipped, the label statements (ctn.) "Wall Eye" and (tag) "Walleyed Pike Fillets" were false and misleading as applied to the article which consisted of whitefish fillets.

DISPOSITION: 2-18-60. Default—destruction.

26624. Frozen dressed whiting. (F.D.C. No. 44367. S. No. 6-502 R.)

QUANTITY: 64 ctns., 10 5-lb. boxes each, at Boston, Mass.

SHIPPED: 2-9-60 and 2-15-60, from Gloucester, Mass., by Dalco Fisheries, Inc., to Wilkes-Barre, Pa., and subsequently returned to Massachusetts.

LABEL IN PART: (Box) "Dalco Fisheries * * * Quick Frozen Headless Dressed Whiting * * * Gloucester, Mass."

LIBELED: 3-7-60, Dist. Mass. ✓

CHARGE: 402(a)(3)—when shipped, the article contained decomposed fish; 402(b)(2)—partially eviscerated whiting had been substituted in part for "Dressed Whiting"; and 402(b)(4)—partially eviscerated whiting had been packed with the article so as to make it appear to be dressed whiting, which is better and of greater value than the article; and 403(a)—the label statement "Dressed Whiting" was false and misleading.

DISPOSITION: 4-11-60. Default—delivered to a public institution for use as animal feed.